IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9588 of 1994

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KASHIBEN N CHAUHAN - Petitioner(s)

Versus

MORBI NAGARPALIKA & 1 - Respondent(s)

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Appearance :

NOTICE SERVED for Petitioner No(s).: 1.

RULE SERVED for Respondent No(s).: 1,2.

MR ND NANAVATI for Respondent No(s).: 1.

NOTICE SERVED for Respondent No(s).: 2.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 09/08/2005

ORAL JUDGMENT

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1. The petitioner by way of this petition has challenged the order dated 19th July, 1994.

2. I have heard the learned counsel for the

parties. Having perused the materials on record, it appears that the Bench Clerk of the Court has passed the order. Thus, I am of the opinion that the Bench Clerk of the Court has no jurisdiction to pass such orders. Hence, the same is required to be quashed and set aside.

3. However, while admitting the matter, this Court on 6th September, 1994, had confirmed the ad-interim relief granted by this Court on 25th July, 1994. Since the interim relief is operating, it would be appropriate to continue the ad-interim relief granted by this Court till the Reference pending before the Industrial Court is finally disposed of, if it is not disposed of.

5. Therefore, without entering into the merits of the matter, the Industrial Tribunal, Rajkot is directed to hear and dispose of the Reference [IT] No. 314/86, if it is not disposed of, as expeditiously as possible and preferably within a period of six months from the date of receipt of writ of this order. The interim relief granted by this Court vide order dated 6th September, 1994 shall continue till the said Reference is disposed of.

6. With the above observations and directions, the

petition stands disposed of. The order dated 19th July, 1994 is quashed and set aside. Rule is made absolute to the aforesaid extent with no order as to costs.

7. The office is directed to send a writ of this order forthwith.

[K.S. JHAVERI, J.]

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